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Sydney, NSW 2000, Australia
Tel.: 61-2-262-6700
Fax: 61-2-262-3263

May 13, 1996

Via Hand Delivery

Docket Clerk
Office of Chief Counsel
Federal Highway Administration
400 Seventh Street, S.W.
Room 4232
Washington, D.C. 20590

LEGIS./REGS.
DIVISION
96 MAY 13 PM 4:24
FEDERAL HIGHWAY
ADMINISTRATION

FHWA-97-2277-8

Re: Comments On Safety Performance History of New Drivers: Docket
No. MC-96-6

Dear Sir/Madam:

Enclosed please find for filing an original and one copy of the comments submitted on behalf of the Owner-Operator Independent Drivers Association, Inc. in the above-referenced proceeding. I am also enclosing two extra copies marked "FILE COPY" which need to be date-stamped and returned to this office in the envelope provided.

Thank you for your assistance in this matter.

Sincerely,

K. Michael O'Connell/lyh
K. Michael O'Connell
Counsel for Owner-Operator
Independent Drivers Assn., Inc.

KMO\lyh
Enclosures
cc: James J. Johnston, OOIDA

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BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

COMMENTS OF THE
OWNER-OPERATOR INDEPENDENT DRIVERS ASSN., INC.

IN RESPONSE TO
NOTICE OF PROPOSED RULEMAKING

DOCKET NO. MC-96-6

SAFETY PERFORMANCE HISTORY OF NEW DRIVERS

K. MICHAEL O'CONNELL
Counsel to the Owner-Operator Independent
Drivers Assn., Inc.

JAMES J. JOHNSTON
President
Owner-Operator Independent
Independent Drivers Assn., Inc.

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Washington, D.C. 20007
(202) 342-8400

MAY 13, 1996

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BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

Comments of the
Owner-Operator Independent Drivers Assn., Inc.

In Response To
Notice of Proposed Rulemaking

Docket No. MC-96-6

Safety Performance History of New Drivers

I. INTRODUCTION

A. Procedural Statement

These comments are submitted by the Owner-Operator Independent Drivers Association, Inc. ("OOIDA" or "Association") in response to the Notice of Proposed Rulemaking by the Federal Highway Administration ("FHWA" or "Agency"), Docket No. MC 96-6, 61 Fed. Reg. 10,548 (March 14, 1996). The Agency is requesting comments on amending regulations that require prospective employers to obtain specific safety information while researching the driver's employment history.

B. Interest of the Owner-Operator Independent Drivers Assn., Inc.

The Owner-Operator Independent Drivers Assn., Inc. is a not-for-profit corporation incorporated in 1973 under the laws of the State of Missouri. It has its principal place of business in Grain Valley, Missouri. The more than 34,000 members of OOIDA are small business men and women in all 50 states and Canada who collectively own and operate more than 50,000 individual heavy duty trucks and

DOCKET _____
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small truck fleets. Owner-operators represent nearly half of the total number of Class 7 and 8 trucks operated in the United States. The mailing address of the Association is:

Owner-Operator Independent Drivers Assn., Inc.
P.O. Box L
Grain Valley, Missouri 64029

OOIDA is the national trade association representing the interests of independent owner-operators at both the federal and state levels.

The Association advocates the views of owner-operators in a number of areas on issues that affect owner-operators and small business truckers. OOIDA is active in all aspects of highway safety. Its representatives serve on various committees of the National Governors' Association, the Commercial Vehicle Safety Alliance, the American Association of State Highway and Transportation Officials, and other groups involved in highway safety. Because its members drive an average of just under 100,000 miles per year, OOIDA has a strong interest in the outcome of this proceeding.

II. GENERAL COMMENTS OF THE ASSOCIATION

OOIDA is very concerned about the proposal to require employers to compile "driver histories" for prospective drivers and owner-operators. The Association feels that such histories are valuable in improving highway safety and generally supports the proposed rules; however, it is concerned with the possibility that the Federal Highway Administration will require such a record to be compiled, yet abdicate any responsibility for ensuring that the record is compiled fairly. As such, many drivers will be unfairly harmed and injured economically in the name of safety.

The Association believes that the "driver history" regulation will turn into a further opportunity for motor carriers to be vindictive towards those owner-operators that have fallen out of favor with them. The system that is most frequently employed by motor carriers to obtain driver histories today involves the use of information "stored" with DAC Services, Inc. This information is provided by motor carriers that formerly employed drivers or that have leases with owner-operators. Information provided by previous motor carriers is retrieved by prospective employers or motor carriers wishing to secure the services of owner-operators. It can often provide a very biased (in favor of the motor carrier) view of the drivers' histories.

In general, the items that are required to be included in the proposed driver history regulations are appropriate.^{1/} The Association also feels that it is appropriate for the federal government to define those areas that are appropriate for review by motor carriers. As will be discussed further in these comments, the present informal means of gathering driver histories focuses primarily on the quality of

^{1/} OOIDA takes exception, however, to the importance placed on hours-of service violations. There is a substantial debate over the issue of hours-of-service as it relates to fatigue and OOIDA believes that violations may arise more from paperwork mistakes and the perceived unfairness of the regulations than for lack of concern for safety.

the driver as an employee and less on safety concerns. In the opinion of the Association, it also results in a highly subjective report that can be used to "blackball" certain drivers

While the Association is generally supportive of the proposed regulations, it takes exception to any notion that former employers be permitted to pass on information that they had obtained from employers prior to themselves. Any such information would be rank hearsay, and possibly provide an opportunity for previous employers to attempt to avoid responsibility for their actions by having someone else effectively republish the erroneous (or malicious) information.

An example has been provided by OOIDA member Kenneth Parton. Attached as Exhibit 1 is Mr. Parton's driver history as originally compiled and provided by DAC Services, Inc. The report begins the employment history in February 1987. It indicates that, during the nine year period ending in February 1996, Mr. Parton operated as an owner-operator and/or company driver for eight (8) motor carriers. Each motor carrier has a separate entry on the DAC Services report containing multiple data items. For the first two entries, DAC Services notes that Mr. Parton's specific information cannot be released. For the other entries, there is included a count of accidents "regardless of fault;" a "reason for leaving;" and a "work record" entry.

On the third entry, Mr. Parton is noted (based on information from the motor carrier) to have had an accident with a "review required before rehire." On the fifth entry it is noted that Mr. Parton "quit under dispatch" and "quit/dismiss during training/orientation." On the sixth entry (for Pre-Fab Transit), the company notes that Mr. Parton was "discharged or company terminated lease." Despite the fact that no accidents (regardless of fault) were charged to him, his "work record" was "unsatisfactory safety record."

Based on this history, Mr. Parton's chances of employment with future motor carriers would appear to be marginal at best. As a typical owner-operator, Mr. Parton's DAC Services report would likely have a significant impact on his applications for future employment. Unfortunately, Mr. Parton had no idea that the negative information was in his DAC Services report. Two companies rejected his application for employment (presumably based on this information) before he became aware of the report. He then contacted DAC Services and his phone calls went unanswered. Finally, when he asked OOIDA to get involved, he obtained a copy of the report. Mr. Parton read the report and then provided explanations to the negative information.

The explanations are provided on a second version of the DAC Services report attached hereto as Exhibit 2. The "driver rebuttal" portions are underlined for ease of reference. The "rebuttal" indicates that Mr. Parton "quit under dispatch" to attend his father's funeral! Further, it indicates that the relatively minor accident that occurred because of improper direction from a dispatcher resulting in a dispute that caused Mr. Parton to quit. He states that he was not discharged on the basis of an unsatisfactory safety record, he responds that he voluntarily quit.

Knowledge of the additional facts surrounding those two incidents would likely help to explain them, and possibly improve Mr. Parton's future employment chances. Unfortunately, the "rebuttals" provided by Mr. Parton may not always be available to prospective employers. Each contains the note "employment history verification pending." Representatives of OOIDA were informed by DAC Services that this means that the motor carrier will be permitted to "verify" the "rebuttal." If the motor carrier disagrees, the "rebuttal" is deleted and the motor carriers explanation stands! This occurs at the sole discretion of the motor carrier. This system is largely what appears to be contemplated by the proposed regulations -- "a reasonable opportunity" for driver comment.

The current system of the motor carriers word always being final is outrageous. Absent strict federal guidance, such incidents can and will happen again under the proposed rules -- mostly to those drivers and owner-operators that are arrogant enough to insist on being treated fairly and paid properly. There are very real and pervasive abuses in the motor carrier industry where dispatchers try to force drivers to drive when they are out of hours, overweight, or want to take time off -- such as for the funeral that Mr. Parton attended. The federal government should not establish specific rules regarding driver histories then leave the accuracy of those histories to the whims of motor carriers, especially where there is such an obvious disparity in the ability of drivers and owner-operators to protect themselves.

The difficulty with the proposed rules is that they would permit employers to collect "driver history" data without providing drivers a well defined opportunity to verify that the data is correct or to explain it. Like the driver in the DAC Services report, these drivers would have no opportunity to provide a meaningful rebuttal to any negative information that might be obtained. Absent strong guidance from the federal government, this situation will result in gross injustices.

In other areas of the law where reporting is required, there is an effective system of checks and balances. For instance, the Fair Credit Reporting Act grants certain rights to consumers in the interest of protecting consumers from false reports. The Act requires that upon request by a consumer, the consumer reporting agency shall disclose the nature and substance of all information in its files on the consumer (except medical information) as well as the sources of the information, and the recipients of the report. 15 U.S.C. § 1681g. The Act provides that the required disclosures shall be made in person if the consumer appears in person or by phone if the consumer has made a written request. 15 U.S.C. § 1681h.

The Act also establishes procedures for consumers to challenge the accuracy of information in reports. If a consumer notifies an agency of a dispute as to the accuracy of any information, the agency is obligated to reinvestigate and record the current status of that information within a reasonable time, unless it has reasonable grounds to believe that the challenge is frivolous or irrelevant. 15 U.S.C. § 1681i(a). If the reinvestigation reveals that the information is inaccurate or unverifiable, the agency shall promptly delete the information. Id. If the reinvestigation fails to resolve the dispute, the consumer may then file a statement of the dispute. 15 U.S.C. § 1681i(b). This triggers a requirement that, unless the agency has reasonable grounds to believe that the statement is frivolous or irrelevant, the agency make a notation in any reports it subsequently issues that the information is disputed by the consumer and provide either the consumer's statement or a clear summary thereof. 15 U.S.C. § 1681i(c).

In addition, following the deletion of information that is found to be inaccurate or unverifiable or any notation as to disputed information, upon request by the consumer, the agency shall furnish notification of the deletion of information or the statement of dispute (or summary thereof) to any person designated by the consumer who has within the past two years received a report for employment purposes or within six months received a report for any other purpose that contained the information at issue. 15 U.S.C. § 1681i(d). Moreover, the agency shall disclose to the consumer his right to make such a request. Id. Obviously, such required disclosure does not exist in the informal system in today's motor carrier industry.

The Act further requires that when an agency furnishes a report for employment purposes with public record information that is likely to have an adverse effect on the consumer's ability to obtain employment, the agency must either (a) notify the consumer of the entity to whom such information

is being reported or (b) maintain strict procedures to insure that such public record information is accurate. 15 U.S.C. § 1681k.

The Act also imposes requirements on the users of consumer reports. Where the user makes any decision adverse to the consumer regarding employment or certain types of credit or insurance, the user must inform the consumer of the name of the agency providing the information. 15 U.S.C. § 1681m(a).

Similarly, under the Privacy Act (5 U.S.C. § 552a), an individual is given the right to gain access, upon request, to records pertaining to him maintained by a federal government agency. The Act provides the individual with the right to request an amendment of a record pertaining to him. If the agency refuses to make the amendment, the agency is under a duty to provide "a reason for the refusal, [and] the procedures established by the agency for the individual to request a review of that refusal by the head of the agency or an officer designated by the head of the agency." 5 U.S.C. § 552a(d)(2)(B)(ii). Upon request for such a review, the agency must complete the review and make a final determination within 30 days. 5 U.S.C. § 552a(d)(3)^{2/} If, upon review, the agency does not amend the record, the agency must

permit the individual to file with the agency a concise statement setting forth the reasons for his disagreement with the refusal of the agency, and notify the individual of the provisions for judicial review of the reviewing official's determination.

Id.

While no procedures are specified for disclosure of the results of polygraph tests, federal law regulating the use of these tests is another area of the law where the affected individual has a right to review information compiled about him. Federal law requires that a person examined under a

^{2/} Unless for good cause shown, the head of the agency extends such 30-day period. Id.

polygraph be provided with a written copy of any opinion or conclusion rendered as a result of the test, as well as a copy of the questions posed and the charted responses. 29 U.S.C. § 2007(b)(4). Of course, federal law also strictly regulates the persons to whom polygraph test information may be disclosed. See 29 U.S.C. § 2008.

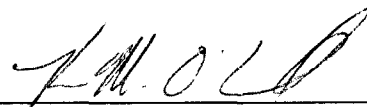
From the provision in the National Labor Relations Act requiring employers to bargain collectively in good faith (29 U.S.C. § 158), courts have imposed on employers a duty to furnish a union, upon request, with information needed by the union to fulfill its statutory obligations as the bargaining unit employees' exclusive bargaining representative. See Employer's Duty to Furnish Particular Information, Other Than Financial or Wage Information, to Employees' Representative Under National Labor Relations Act, 113 A.L.R.Fed. 425. This article summarizes court holdings regarding whether the National Labor Relations Act requires that particular types of information be disclosed under particular circumstances.

The weight of these federal laws in other areas where information is gathered that may have an impact on individuals shows a strong preference toward governmental regulation of the use of the information and structures to ensure fairness and due process. For these reasons, the Association believes that it is incumbent on the federal government to clearly and specifically define the statutory allegation to permit a driver "a reasonable opportunity" to comment. It believes that the FHWA should initiate an additional rulemaking in order to clearly define disclosure requirements, how the opportunity for comment will occur, and guidance as to how disputes should be resolved.

III. CONCLUSION

While OOIDA supports the collection of driver histories, for the foregoing reasons, OOIDA believes that the FHWA must include procedures in the regulations that are adequate to safeguard the rights of drivers and owner-operators.

Respectfully submitted,



K. MICHAEL O'CONNELL
Collier, Shannon, Rill & Scott, P.L.L.C.
3050 K Street, N.W.
Washington, D.C. 20007

*Counsel to Owner-Operator Independent
Drivers Association, Inc.*

Date: May 13, 1996

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DAC SERVICES 25-MAR-96 10:20:19
DRIVER HISTORY

EMPLOYMENT RECORD

496-44-6887, PARTON

MEMBER# 1142 PH:6126882000 DART TRANSIT #1
800 LOAN OAK RD
EAGAN, MN 55121

ORIGINAL DATA RECEIVED BY DAC SERVICES ON 03-02-88

NOTE: A SEVEN YEAR PERIOD HAS
ELAPSED SINCE EMPLOYMENT TERMINATION,
IT IS PROHIBITED TO DISCLOSE:
WORK RECORD, ELIGIBILITY FOR REHIRE,
NUMBER OF ACCIDENTS, AND REASON FOR LEAVING.

FROM 2/87 TO 1/88
LIC:MO,P016603088409530
STATUS:OWNER/OPERATOR
DRIVING EXPERIENCE:OVER THE ROAD
EQUIPMENT OPERATED:DRY BOX
LOADS HAULED:GEN. COMMODITY

.....

EMPLOYMENT RECORD

496-44-6887, PARTON

MEMBER# 3012 PH:6124579700 SCHANNO TRANSPORTATION
5 MENDOTA RD W
SAINT PAUL, MN 55118-4799

ORIGINAL DATA RECEIVED BY DAC SERVICES ON 06-02-88

NOTE: A SEVEN YEAR PERIOD HAS
ELAPSED SINCE EMPLOYMENT TERMINATION,
IT IS PROHIBITED TO DISCLOSE:
WORK RECORD, ELIGIBILITY FOR REHIRE,
NUMBER OF ACCIDENTS, AND REASON FOR LEAVING.

FROM 1/88 TO 5/88
LIC:MO,P016603088409530
STATUS:OWNER/OPERATOR
DRIVING EXPERIENCE:OVER THE ROAD

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PAGE

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SINGLE DRIVER
EQUIPMENT OPERATED: DRY BOX
REFRIGERATED
LOADS HAULED: GEN. COMMODITY
HAZARDOUS MATERIAL
REFRIGERATED

.....
EMPLOYMENT RECORD
496-44-6887, PARTON

MEMBER# 4605 PH: 8002433365 AMERICAN TRANSPORT INC
4423 S 67TH ST
OMAHA, NE 68127-0477

ORIGINAL DATA RECEIVED BY DAC SERVICES ON 12-13-89

NOTE: WORK RECORD, ELIGIBILITY FOR
RETURN, REASON FOR LEAVING AND NUMBER
OF ACCIDENTS CANNOT BE REPORTED ON
THE ABOVE DRIVER BECAUSE THE PROVIDING
COMPANY IS NOT AN ACTIVE PARTICIPANT
IN THE INDEX.

FROM 3/89 TO 11/89
LIC: MO, P016603088409530
STATUS: OWNER/OPERATOR
DRIVING EXPERIENCE: OVER THE ROAD
SINGLE DRIVER
EQUIPMENT OPERATED: REFRIGERATED
LOADS HAULED: REFRIGERATED

.....
EMPLOYMENT RECORD
496-44-6887, PARTON

MEMBER# 1142 PH: 6126882000 DART TRANSIT #1
800 LOAN OAK RD
EAGAN, MN 55121

ORIGINAL DATA RECEIVED BY DAC SERVICES ON 12-30-92

FROM 2/90 TO 12/92
OF ACCIDENTS (EQUIPMENT WAS INVOLVED IN
AN ACCIDENT OR DAMAGED WHILE ASSIGNED TO THE
DRIVER REGARDLESS OF FAULT): 1
LIC: MO, 496446887
ELIGIBLE FOR REHIRE: REVIEW REQUIRED BEFORE REHIRING
REASON FOR LEAVING: OTHER

DOCKET MC-96-6-7
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STATUS: OWNER/OPERATOR
DRIVING EXPERIENCE: OVER THE ROAD
EQUIPMENT OPERATED: DRY BOX
LOADS HAULED: GEN. COMMODITY
WORK RECORD: SATISFACTORY

.....
EMPLOYMENT RECORD
496-44-6887, PARTON

MEMBER# 5783 PH: 8009506936 OVERNITE EXPRESS INC
656 PELHAM BLVD
ST PAUL, MN 55114

ORIGINAL DATA RECEIVED BY DAC SERVICES ON 08-27-93

FROM 4/93 TO 2/94
OF ACCIDENTS/EQUIPMENT WAS INVOLVED IN
AN ACCIDENT OR DAMAGED WHILE ASSIGNED TO THE
DRIVER REGARDLESS OF FAULT): 0
LIC: MO, 496446887
ELIGIBLE FOR REHIRE: REVIEW REQUIRED BEFORE REHIRING
REASON FOR LEAVING: RESIGNED/QUIT OR DRIVER TERMINATED LEASE
STATUS: OWNER/OPERATOR
DRIVING EXPERIENCE: OVER THE ROAD
EQUIPMENT OPERATED: DRY BOX
LOADS HAULED: GEN. COMMODITY
WORK RECORD: SATISFACTORY

.....
EMPLOYMENT RECORD
496-44-6887, PARTON

MEMBER# 16904 PH: 9138291616 O T R EXPRESS INC
P O BOX 2819
OLATHE, KS 66063-0819

ORIGINAL DATA RECEIVED BY DAC SERVICES ON 12-16-94

FROM 12/94 TO 12/94
OF ACCIDENTS/EQUIPMENT WAS INVOLVED IN
AN ACCIDENT OR DAMAGED WHILE ASSIGNED TO THE
DRIVER REGARDLESS OF FAULT): 0
LIC: MO, 496446887
ELIGIBLE FOR REHIRE: NO
REASON FOR LEAVING: RESIGNED/QUIT OR DRIVER TERMINATED LEASE
STATUS: COMPANY DRIVER
DRIVING EXPERIENCE: OVER THE ROAD
EQUIPMENT OPERATED: DRY BOX
LOADS HAULED: GEN. COMMODITY

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HAZARDOUS MATERIAL
WORK RECORD:QUIT UNDER DISPATCH
QUIT/DISSMISS DURING TRAINING/ORIENTATION
.....
EMPLOYMENT RECORD
496-44-6887, PARTON

MEMBER# 1125 PH:8004470311 PRE-FAB TRANSIT CO
P.F.T. ROBERSON
CHEVENNE EXPRESS
GULF LAKES FREIGHTWAYS
STENSEL DR
FARMER CITY, IL 61842-1601

ORIGINAL DATA RECEIVED BY DAC SERVICES ON 01-24-96

FROM 12/95 TO 1/96
OF ACCIDENTS(EQUIPMENT WAS INVOLVED IN
AN ACCIDENT OR DAMAGED WHILE ASSIGNED TO THE
DRIVER REGARDLESS OF FAULT): 0
LIC:MO,496446887
ELIGIBLE FOR REHIRE:NO
REASON FOR LEAVING:DISCHARGED OR COMPANY TERMINATED LEASE
STATUS:COMPANY DRIVER
DRIVING EXPERIENCE:OVER THE ROAD
SINGLE DRIVER
EQUIPMENT OPERATED:FLAT BED
LOADS HAULED:GEN. COMMODITY
WORK RECORD:UNSATISFACTORY SAFETY RECORD
.....
EMPLOYMENT RECORD
496-44-6887, PARTON

MEMBER# 9237 PH:9184380550 ELLSWORTH MOTOR FREIGHT
LINES, INC.
2120 N 161ST EAST AVE
TULSA, OK 74116-4833

ORIGINAL DATA RECEIVED BY DAC SERVICES ON 03-15-96

FROM 2/96 TO 2/96
OF ACCIDENTS(EQUIPMENT WAS INVOLVED IN
AN ACCIDENT OR DAMAGED WHILE ASSIGNED TO THE
DRIVER REGARDLESS OF FAULT): 0
LIC:MO,496446887
ELIGIBLE FOR REHIRE:NO
REASON FOR LEAVING:RESIGNED/QUIT OR DRIVER TERMINATED LEASE
STATUS:LEASE DRIVER/EMPL. OF INDEP. CONTRACTOR

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JAC SERVICES 27-MAR-96 13:04:11
DRIVER HISTORYEMPLOYMENT RECORD
496-44-6887, PARTONMEMBER# 1142 PH: 6126882009 DAFT TRANSIT #1
800 LOAN OAK RD
EAGAN, MN 55121

ORIGINAL DATA RECEIVED BY JAC SERVICES ON 03-02-88

NOTE: A SEVEN YEAR PERIOD HAS
ELAPSED SINCE EMPLOYMENT TERMINATION,
IT IS PROHIBITED TO DISCLOSE:
WORK RECORD, ELIGIBILITY FOR REHIRE,
NUMBER OF ACCIDENTS, AND REASON FOR LEAVING.FROM 2/87 TO 1/88
LIC: MO, P016603088409530
STATUS: OWNER/OPERATOR
DRIVING EXPERIENCE: OVER THE ROAD
EQUIPMENT OPERATED: DRY BOX
LOADS HAULED: GEN. COMMODITY

EMPLOYMENT RECORD
496-44-6887, PARTONMEMBER# 3012 PH: 6124579700 SCHANNO TRANSPORTATION
5 MENDOTA RD W
SAINT PAUL, MN 55118-4759

ORIGINAL DATA RECEIVED BY JAC SERVICES ON 06-07-88

NOTE: A SEVEN YEAR PERIOD HAS
ELAPSED SINCE EMPLOYMENT TERMINATION,
IT IS PROHIBITED TO DISCLOSE:
WORK RECORD, ELIGIBILITY FOR REHIRE,
NUMBER OF ACCIDENTS, AND REASON FOR LEAVING.FROM 1/88 TO 5/88
LIC: MO, P016603088409530
STATUS: OWNER/OPERATOR
DRIVING EXPERIENCE: OVER THE ROADDOCKET MC-96-6-7
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SINGLE DRIVER
EQUIPMENT OPERATED: DRY BOX
REFRIGERATED
LOADS HAULED: GEN. COMMODITY
HAZARDOUS MATERIAL
REFRIGERATED

.....
EMPLOYMENT RECORD
496-44-6887, PARTON

MEMBER# 4605 PH: 8002433365 AMERICAN TRANSPORT INC
4423 S 67TH ST
OMAHA, NE 68127-0477

ORIGINAL DATA RECEIVED BY DAC SERVICES ON 12-13-89

NOTE: WORK RECORD, ELIGIBILITY FOR
RETURN, REASON FOR LEAVING AND NUMBER
OF ACCIDENTS CANNOT BE REPORTED ON
THE ABOVE DRIVER BECAUSE THE PROVIDING
COMPANY IS NOT AN ACTIVE PARTICIPANT
IN THE INDEX.

FROM 3/89 TO 11/89
LIC: MO, P016603088409530
STATUS: OWNER/OPERATOR
DRIVING EXPERIENCE: OVER THE ROAD
SINGLE DRIVER
EQUIPMENT OPERATED: REFRIGERATED
LOADS HAULED: REFRIGERATED

.....
EMPLOYMENT RECORD
496-44-6887, PARTON

MEMBER# 1142 PH: 6126882000 DART TRANSIT #1
800 LOAN OAK RD
EAGAN, MN 55121

ORIGINAL DATA RECEIVED BY DAC SERVICES ON 12-30-92

FROM 2/90 TO 12/92
OF ACCIDENTS (EQUIPMENT WAS INVOLVED IN
AN ACCIDENT OR DAMAGED WHILE ASSIGNED TO THE
DRIVER REGARDLESS OF FAULT): 1
LIC: MO, 496445887
ELIGIBLE FOR RETIRE: REVIEW REQUIRED BEFORE REHIRING
REASON FOR LEAVING: OTHER

DOCKET MC-96-6-7
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STATUS: OWNER/OPERATOR
 DRIVING EXPERIENCE: OVER THE ROAD
 EQUIPMENT OPERATED: DRY BOX
 LOADS HAULED: GEN. COMMODITY
 WORK RECORD: SATISFACTORY

.....
 ORIGINAL DRIVER REGISTRATION ENTERED ON 03-27-96
 THE ACCIDENT WAS NOT MY FAULT. A CAR
 HIT MY RIGHT FRONT BUMPER CAUSING THE
 ACCIDENT. THERE WERE NO INJURIES AND I
 DID NOT RECEIVE A TICKET.

KEN PARTON

(EMPLOYMENT HISTORY
 VERIFICATION PENDING)

.....
 EMPLOYMENT RECORD
 496-44-6887, PARTON

MEMBER# 5783 PH: 8009506936 OVERNITE EXPRESS INC
 656 PELHAM BLVD
 ST PAUL, MN 55114

ORIGINAL DATA RECEIVED BY DAC SERVICES ON 08-27-93

FROM 4/93 TO 2/94
 # OF ACCIDENTS(EQUIPMENT WAS INVOLVED IN
 AN ACCIDENT OR DAMAGED WHILE ASSIGNED TO THE
 DRIVER REGARDLESS OF FAULT): 0
 (JC:MO,496446887
 ELIGIBLE FOR REHIRE: REVIEW REQUIRED BEFORE REHIRING
 REASON FOR LEAVING: RESIGNED/QUIT OR DRIVER TERMINATED LEASE
 STATUS: OWNER/OPERATOR
 DRIVING EXPERIENCE: OVER THE ROAD
 EQUIPMENT OPERATED: DRY BOX
 LOADS HAULED: GEN. COMMODITY
 WORK RECORD: SATISFACTORY

.....
 EMPLOYMENT RECORD
 496-44-6887, PARTON

MEMBER# 16904 PH: 9138291616 O T R EXPRESS INC
 P O BOX 2619
 OLATHE, KS 66063-0819

ORIGINAL DATA RECEIVED BY DAC SERVICES ON 12-16-94

FROM 12/94 TO 12/94

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OF ACCIDENTS(EQUIPMENT WAS INVOLVED IN
AN ACCIDENT OR DAMAGED WHILE ASSIGNED TO THE
DRIVER REGARDLESS OF FAULT): 0
LIC:MO,496446887
ELIGIBLE FOR REHIRE:NO
REASON FOR LEAVING:RESIGNED/QUIT OR DRIVER TERMINATED LEASE
STATUS:COMPANY DRIVER
DRIVING EXPERIENCE:OVER THE ROAD
EQUIPMENT OPERATED:DRY BOX
LOADS HAULED:GEN. COMMODITY
HAZARDOUS MATERIAL
WORK RECORD:QUIT UNDER DISPATCH
QUIT/DISMISS DURING TRAINING/ORIENTATION

.....
ORIGINAL DRIVER REBUTTAL ENTERED ON 03-27-96

I WENT THROUGH ORIENTATION AND I WAS
READY TO START DRIVING WHEN MY FATHER
PASSED AWAY. MY MOTHER WAS ILL AND I
DECIDED NOT TO START WORKING RIGHT
AWAY

*

KEN PARTON
EMPLOYMENT HISTORY
VERIFICATION PENDING)

.....
EMPLOYMENT RECORD
496-14-6887,PARTON

MEMBER# 1125 PH:8004470311 PRE-FAB TRANSIT CO

P.F.T. ROBERSON
CHEYENNE EXPRESS
GULF LAKES FREIGHTWAYS
STENSEL DR
FARMER CITY, IL 61842-1601

ORIGINAL DATA RECEIVED BY DAC SERVICES ON 01-24-96

FROM 12/95 TO 1/96
OF ACCIDENTS(EQUIPMENT WAS INVOLVED IN
AN ACCIDENT OR DAMAGED WHILE ASSIGNED TO THE
DRIVER REGARDLESS OF FAULT): 0
LIC:MO,496446887
ELIGIBLE FOR REHIRE:NO
REASON FOR LEAVING:DISCHARGED OR COMPANY TERMINATED LEASE
STATUS:COMPANY DRIVER
DRIVING EXPERIENCE:OVER THE ROAD
SINGLE DRIVER
EQUIPMENT OPERATED:FLAT BED

LOADS HAULED: GEN. COMMODITY
WORK RECORD: UNSATISFACTORY SAFETY RECORD

.....
ORIGINAL DRIVER RESUBMITAL ENTERED ON 03-27-96

I WORKED FOR PFT ROBERSON WHEN THEY
FIRST STARTED THE COMPANY. I WAS TOLD
TO RACK A 53' TRAILER INTO A 48' DOCK
WHICH CAUSED THE ACCIDENT. I DID WHAT
I WAS INSTRUCTED TO DO, KNOWING FULL
WELL WHAT WOULD HAPPEN. I TOLD THEM I
COULD NOT DO IT BUT SINCE I WAS
INSTRUCTED TO CARRY ON MY JOB, THE
ACCIDENT OCCURRED. I THEN QUIT THE JOB.
MY EMPLOYMENT WAS NOT TERMINATED BY
PFT ROBERSON. MY EMPLOYMENT WAS
TERMINATED BECAUSE OF THE DECISION I
MADE TO TERMINATE IT. THE ACCIDENT
DID \$300 DAMAGE - A LIGHT WAS DAMAGED
AND THE TOP OF THE TRUCK WAS SKINNED.

KEN PARTON
(EMPLOYMENT HISTORY
VERIFICATION PENDING)
.....

.....
EMPLOYMENT RECORD
496-44-6887, PARTON

MEMBER# 9237 PH: 918-4380550 FILLMORTH MOTOR FREIGHT
LINES, INC.

2170 N 161ST EAST AVE
TULSA, OK 74116-4833

ORIGINAL DATA RECEIVED BY DAC SERVICES ON 03-15-96

FROM 2/96 TO 2/96
OF ACCIDENTS (EQUIPMENT WAS INVOLVED IN
AN ACCIDENT OR DAMAGED WHILE ASSIGNED TO THE
DRIVER REGARDLESS OF FAULT): 0

LIC: MO, 496446887
ELIGIBLE FOR REHIRE: REVIEW REQUIRED BEFORE REHIRING
REASON FOR LEAVING: RESIGNED/QUIT OR DRIVER TERMINATED LEASE
STATUS: LEASE DRIVER/EMPL. OF INDEP. CONTRACTOR
DRIVING EXPERIENCE: LOCAL

SINGLE DRIVER
EQUIPMENT OPERATED: DUMP TRUCK
LOADS HAULED: BULK COMMODITY
EMPTY TRAILER
WORK RECORD: SATISFACTORY

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DOCKET MC-96-6-7
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DRIVING EXPERIENCE: LOCAL
SINGLE DRIVER
EQUIPMENT OPERATED: DUMP TRUCK
LOADS HAULED: BULK COMMODITY
EMPTY TRAILER
WORK RECORD: NO SHOW
OTHER

DAC'S RECORDS INDICATE THAT THE FOLLOWING LICENSE(S)
ARE HELD OR HAVE BEEN PREVIOUSLY HELD BY THE DRIVER
(MAY ALSO INCLUDE NON-RESIDENT OR
NON-LICENSED DRIVER VIOLATION RECORDS)

MO 49646887 PARTON K 08/13/40
INFORMATION RECEIVED ON 03/20/96

DOT (SECTION 391.23) REQUIRES AN INQUIRY INTO THE DRIVERS DRIVING
RECORD FOR ALL LICENSES HELD BY THE DRIVER DURING THE PRECEDING
THREE YEARS.

DOCKET MC-96-6-7
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